GOVERNMENT OF INDIA
ENVIRONMENT, FORESTS AND CLIMATE CHANGE
LOK SABHA

UNSTARRED QUESTION NO:6125
ANSWERED ON:11.04.2017
Violation of Environmental Norms
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Will the Minister of ENVIRONMENT, FORESTS AND CLIMATE CHANGE be pleased to state:

(a) whether several units are still functioning without environmental clearance in the country;
(b) if so, whether the Ministry proposes to give a time opportunity for all units operating without prior Environmental Clearance (EC) to come clear;
(c) if so, the details thereof;
(d) whether the expansion or modernization projects that have been undertaken without obtaining prior Environment Clearance (EC) will be treated as cases of violation and if so, the action that is likely to be taken by the Government against them;
(e) whether an Expert Appraisal Committee (EAC) has been consulted in this regard; and
(f) if so, the manner in which the cases of violation will be assessed by the expert committee and the extent to which the Government would be able to check the polluting units?

Answer

MINISTER OF STATE (INDEPENDENT CHARGE) FOR ENVIORNMENT, FOREST AND CLIMATE CHANGE
(SHRI ANIL MADHAV DAVE)

(a) Ministry of Environment, Forest and Climate Change (MoEF&CC) and State Environment Impact Assessment Authorities (SEIAAs) have been receiving proposals under the Environmental Impact Assessment (EIA) Notification, 2006 for grant of Terms of Reference (ToR) & Environmental Clearance (EC) for projects which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior EC.

(b) to (f) The MoEF&CC has provided six months time from date of notification, as a one-time opportunity to the units, which have not obtained prior environmental clearance, to apply for the same. The salient features of notification inter alia include:
â€¢ This is a one-time opportunity for six months to apply for environmental clearance to units which are in violation on date of the notification i.e. 14.03.2017;
â€¢ The States / SPCBs will take action under Section 19 of the E (P) Act, 1986 for violation;
â€¢ All the cases of violation, irrespective of category, will be appraised as category "A" projects by respective sector Expert Appraisal Committee (EAC) at Central level. So, violation cases can only be appraised at the level of Ministry;
â€¢ The EAC will first examine the proposal with an angle that the project or activity is a permissible activity at the site on which it has come up. If it is not then the recommendation of EAC will be for closure;
â€¢ Respective EAC will prescribe the specific ToR for assessment of ecological damage, Remediation Plan and Natural and Community Resource Augmentation Plan (NCRAP) in addition to general ToR required under EIA Notification, 2006 for undertaking EIA/EMP;
â€¢ The idea is to take away the economic benefit (if any) derived by the company due to violation and pay for the remediation of damage caused due to violation;
â€¢ The plan shall be prepared as an independent chapter in the EIA report by the accredited consultants. The collection and analysis of data for assessment of ecological damage shall be done by an environmental laboratory duly notified under E(P) Act, 1986 / accredited by NABL/CSIR;
â€¢ The EAC shall stipulate the implementation of EMP, comprising remediation plan and NCRAP corresponding to the ecological damage assessed and economic benefit derived due to violation as a specific condition of EC;
â€¢ The project proponent will also be required to submit a bank guarantee equivalent to the amount of remediation plan and NCRAP with the SPCB; and
â€¢ No consent to operate or occupancy certificate will be issued till the project is granted the EC.

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